

REMARKS

The foregoing Amendment and the following Remarks are submitted in response to the Office Action mailed April 8, 2004 (Paper No. 4) in connection with the above-identified application and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 2-10, 12-15, and 17-20 are pending in the present application as amended, and currently stand rejected. Applicants have amended claim 12 to be in independent form by including the subject matter of claims 1 and 11 and have amended claim 17 to be in independent form by including the subject matter of claims 1 and 16, and accordingly have canceled claims 1, 11, and 16. In addition, Applicants have amended claims 2, 4, 5, 7, 9, and 10 to depend from newly independent claim 12. Also, Applicants have amended newly independent claims 12 and 17 to correct minor errors. Applicants respectfully submit that no new matter has been added to the application by the Amendment, and also request reconsideration and withdrawal of the rejection of the claims based on the following remarks.

The Examiner has objected to claim 12 because of a minor informality regarding an unnecessary element number in such claim. Accordingly, Applicants have deleted the element number.

The Examiner has rejected claim 17 under 35 U.S.C. §112, second paragraph, for the reason that a certain phrase is unclear. Applicants respectfully traverse the §112, second paragraph rejection insofar as it may be applied to the claim as amended.

Applicants have amended the phrase "a top zone between the top zone and back zone" to - - a top zone between the bottom zone and back zone - - and respectfully submit that such phrase is now clear. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 112, second paragraph rejection.

Inasmuch as Applicants have amended claim 12 to be in independent form by including the subject matter of claims 1 and 11, have amended claim 17 to be in independent form by including the subject matter of claims 1 and 16, and have canceled claim 1, Applicants respectfully submit that the rejection by the Examiner of claim 1 is now moot.

Instead, Applicants will address the rejection by the Examiner of newly independent claims 12 and 17.

In particular, the Examiner has rejected claims 12-15 and 17-20 under 35 U.S.C. §103(a) as being obvious over Inoue (JP 2000-115310) in view of Jensfelt (U.S. Patent No. 6,330,430). Applicants respectfully traverse the §103(a) rejection.

Independent claims 12 and 17 as amended both recite a protective cover for a telephone having a keypad and a display. The cover has a keypad portion for covering the keypad of the telephone to protect the telephone at the keypad and a display portion for covering the display of the telephone to protect the telephone at the display.

Claim 12 further recites that the cover includes a securing device (40c in Fig. 6) for securing the cover to the telephone in a repeatedly mountable and disengagable manner. Such securing device includes a pair of wings (42c) that extend generally from either lateral side of the keypad portion (14c) and along sides of the mounted-to telephone (10 in Fig. 3), and a strap (44c) that interconnects distal ends of the wings at a rear face of the mounted-to telephone.

Claim 17 further recites that the cover is formed from a single longitudinally extending piece of a sheet of plastic. Such piece includes a bottom zone including the keypad portion and defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece, and a top zone between the bottom zone and back zone and including the display portion.

As set forth in the specification of the present application at about pages 8 and 9, and as best seen in Fig. 6, the piece set forth in claim 17 may include two lateral extensions 46c on each lateral side thereof, with one pair of the extensions 46c on either lateral side of the top zone and the other pair of the extensions 46c on either lateral side of the back zone. Thus, the cover is formed when the piece is folded in a generally curving manner along a generally transverse line between the top zone and back zone such that the respective lateral extensions 46c on each lateral side encounter one another. As may be appreciated, the area of the fold runs generally along the top face 32 of the telephone 10 when the cover 12 is mounted thereto. Such encountering extensions 46c are then secured to one another and thus run generally along the sides of the telephone 10 when the cover 12 is mounted thereto.

The Inoue reference discloses a cover for a phone, where the cover is formed from a generally rectangular sheet that is in general formed into a more-or-less cylindrical tube. Such tube is mounted to the phone by moving same over the phone in a generally longitudinal manner. Thus, the tube has a single generally longitudinal join line by which the substantial entirety of opposing edges of the sheet contact and are directly secured to one another.

Significantly, the Inoue 'cylindrical tube' cover does not include a securing device for securing the cover to the telephone where the securing device includes a pair of wings that extend generally from either lateral side of a keypad portion and along sides of the mounted-to phone, and a strap that interconnects distal ends of the wings at a rear face of the mounted-to phone, as is required by claim 12. Instead, and again, the opposing edges of the Inoue sheet contact and are directly secured to one another without any strap therebetween.

In addition, the Inoue 'cylindrical tube' cover is not formed from a single longitudinally extending piece of a sheet of plastic, where such longitudinal piece includes a bottom zone including a keypad portion and defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece, and a top zone between the bottom zone and back zone and including a display portion, as is required by claim 17. In particular, the corresponding zones in the Inoue reference are positioned differently.

The Jensfelt reference describes a protective case for a phone, where the case can flexibly accommodate a number of sizes of phone. As best see in Fig. 4 thereof, the Jensfelt cover is essentially a single sheet of material with an irregular border that defines multiple protruding portions. For example, a pair of protruding portions on a top side of the sheet define a fastener portion that is wrapped over a top of a phone and a securing portion that securely receives such wrapped-over top fastener portion. Likewise, a similar pair of protruding portions are defined on a bottom side of the sheet.

The protrusions in the Jensfelt sheet include a pair of dissimilar wing protrusions that extend from either side of such sheet. However, and significantly, the distal ends of such wing protrusions are not interconnected by a strap, as is required by claim 12. Instead, and as seen in Figs. 1-3, the Jensfelt sheet wraps around a phone such that the distal ends of such wing portions extend well past each other. That is, such wing portions overlap and accordingly, the distal ends thereof are not interconnected by a strap. As shown, the

Jensfelt cover does include a securing strap, but such strap wraps around the phone and connects at a loose end thereof to a piece of hook-and-loop fastener that is centrally located on the Jensfelt sheet, and thus again does not interconnect the distal end of any wing portion as is required by claim 12.

Further, and as should be appreciated from Fig. 4 of the Jensfelt reference, the Jensfelt sheet cannot be described as extending longitudinally to any significant degree, as is required by claim 17. Instead, and appreciating that the longitudinal direction is to be defined as corresponding to the length of the phone, such Jensfelt reference instead extends laterally if at all. At any rate, and however 'longitudinal' may be defined, no portions of the Jensfelt sheet may be pointed to as being opposing longitudinal ends such that one longitudinal end of such sheet includes a bottom zone including a keypad portion for covering the keypad of the phone and the other longitudinal end of such sheet includes a back zone, and also such that a top zone is defined between the bottom zone and back zone and includes a display portion for covering the display of the phone, as is required by claim 17.

To conclude then, neither of the Inoue and Jensfelt references discloses or suggests a strap interconnecting the distal ends of laterally extending wings, as is required by claim 12, and neither of such references discloses or suggests a sheet with a bottom zone including a keypad portion at one longitudinal end, a back zone at the other longitudinal end, and a top zone therebetween, as is required by claim 17. Accordingly, such references cannot be applied to make obvious claims 12 or 17 or any claims depending therefrom, including claims 2-10, 13-15, and 18-20. As a result, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection.

Applicants note that the Examiner has also rejected other dependent claims under §§ 102 and 103 in view of Inoue, Jensfelt, Takagi (U.S. Patent No. 5,251,329), and/or Flannery (US 2002/0086711), and respectfully traverse such other rejections insofar as they may be applied to the claims as amended. Again, since claims 12 and 17 are unanticipated and have been shown to non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, at least by their dependencies, including claims 2-10, 13-15, and 18-20. As a result, Applicants respectfully request reconsideration and withdrawal of the other rejections.

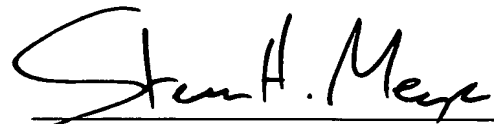
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In view of the foregoing amendment and discussion, Applicants respectfully submit that the present application including claims 2-10, 12-15, and 17-20 is in condition for allowance, and such action is respectfully requested.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read "Steven H. Meyer", written over a horizontal line.

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